(SRI T. MARIAPPA)

Departments, Community Development-Construction of I. N. E. and D. works, Commercial, Capital Outlay on Industrial Development, Capital Account of Civil Works and Loans and Advances. There is need for expenditure during the course of the year. Therefore, I would like to commend it for the acceptance of the House.

Mr. SPEAKER.—The question is:

"That the Mysore Appropriation (No. 3) Bill, 1959 be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses 2 and 3. The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Clause 1, the Title and the Preamble and the Schedule. The question is.

"That Clause 1, the Title and the Preamble and the Schedule stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble and the Schedule were added to the Bill.

Motion to pass.

Sri T. MARIAPPA.—Sir, I beg to move:

"That the Mysore Appropriation (No. 3) Bill 1959 be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Appropriation (No. 3) Bill, 1959 be passed."

The motion was adopted.

MYSORE PUBLIC SERVICE COMMISSION (CONDUCT OF BUSINESS AND ADDITIONAL FUNCTIONS) BILL, 1958.

(as reported by the Select Committee)

Motion to consider

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Sir, I beg to move:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958, as reported by the Select Committee, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958, as reported by the Select Committee, be taken into consideration."

†Sri T. SUBRAMANYA.—In the Select Committee we have made a few changes in the original Bill which was introduced in this House. We have said on page 3, "Be it enacted by the Mysore State Legislature in the Tenth Year of the Republic of India." It was 'Ninth Year' originally. Because it is going to be passed this year, we have changed it as 'Tenth Year of the Republic of India'. The next change is in clause 7. The language has been altered and made more explicit. The idea contained therein is that if any decision is taken by the Public Service Commission in the absence of the Chairman and the Chairman comes to know about the decision and if he disagrees with that decision, he may direct that it may not be implemented, and that it may be brought to the Commission once again. The idea was there even in the previous Bill and it has been improved in the language and introduced.

The next change that we have made is with respect to the proviso to clause 17. It now reads: "Provided that the Government may make orders." That is the proper language, legal phrase and we have used that. Then

we have said 'Taluk Board has been introduced' because this House has accepted the constitution of the Taluk Board. Then we have also said: "and includes the Board constituted under the City of Mysore Improvement Act and the City of Bangalore Improvement Act." There is another change at page 8 in the last but two lines. "so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

With these modifications, I request the House to accept the Bill.

Sri J. B. MALLARADHYA (Nanjangud).—" however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule." What is the significance of that? I do not understand it.

Sri T. SUBRAMANYA.—Page 8:

" (3) All rules made under this Act shall be laid as soon as they are made before each House of the State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of that period, either House of the State Legislature makes any modification in the rules or directs that any rule shall not have effect, and if the modification or direction is agreed to by the other House the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Sri J. B. MALLARADHYA.—Retrospective effect?

Sri T. SUBRAMANYA.—Before it is amended or modified by this House in pursuance of the rules framed by the Government, this amendment seeks to validate any action previously done under that rule. I have had long discussion over these matters.

†ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ (ಹಿರಿಯೂರು).—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, 1958ನೆಯ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ (ಕಂಡಕ್ಟ್ ಆಫ್ ಬಿಜಿನೆಸ್ ಅಂಡ್ ಅಡಿಷನಲ್ ಫಂಕ್ಷನ್ಸ್) ಬಿಲ್ ಚರ್ಚಿಸುವ ವಿಚಾರದಲ್ಲಿ ನಮ್ಮ ರಾಜ್ಯಾಂಗದ 321ನೇ ಆರ್ಟಿಕಲ್ ಪ್ರಕಾರ ನಮಗೆ ಅಧಿಕಾರ ಇದೆ. ಹೆಚ್ಚುವರಿ ಕೆಲಸಗಳಿಗೋಸ್ಕರ ಎಷ್ಟರಮಟ್ಟಿಗೆ ಈ ಕಾನೂನನ್ನು ಮಾಡಬೇಕು ಎನ್ನುವುದನ್ನು ಬಹಳ ಚೆನ್ನಾಗಿ, ಕೂಲಂಕಷವಾಗಿ ವಿಚಾರ ಮಾಡಬೇಕು. ಈ ಕಾಯಿದೆಯನ್ನು ಮಾಡುವಾಗ ಸರ್ಕಾರಿ ನೌಕರರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಚಾರಗಳನ್ನು ಗಮನದಲ್ಲಿಟ್ಟುಕೊಂಡು ಮಾಡಿದ್ದಾರೆ. ಈ ಬಿಲ್ಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಹೋಗುವುದಕ್ಕೆ ಮುಂಚೆ ಅನೇಕ ಮಾನ್ಯ ಸದಸ್ಯರು ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ಒಂದು ಮುಖ್ಯವಾದ ಅಭಿಪ್ರಾಯ ಏದೆ. ಈ ಬಿಲ್ಲನ್ನು ಮಾಡುವಾಗ ಡೆಲಿಗೇಟೆಡ್ ಪವರ್ ಎಂದರೆ, ಅಧಿಕಾರದ ವ್ಯಾಪ್ತಿಯನ್ನು ಸರ ಕಾರಕ್ಕೆ ಕೊಟ್ಟು, ಆ ರೀತಿ ಸರಕಾರಕ್ಕೆ ಕೊಟ್ಟಿರುವ ಅಧಿಕಾರವನ್ನು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಸರ್ಕಾರದವರು ಚಲಾಯಿಸಬಹುದು ಎನ್ನುವುದನ್ನು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಹೇಳಬೇಕಾಗಿತ್ತು. ಪ್ರತಿಯೊಂದು ಕಲಮಿನಲ್ಲಿಯೂ ಸಹ ಸರಕಾರದವರು ಮಾಡತಕ್ಕಂತಹ ರೂಲುಗಳು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಇರಬೇಕು ಎನ್ನುವ ವಿವರಗಳೆಲ್ಲಾ ಈ ಕಾನೂನಿನಲ್ಲಿ ಇರುವುದು ಅತ್ಯಾವಶ್ಯಕ. The fundamentals enunciated in this Bill become resuscitative and the rules under the delegated power become dominant. ಇದು ಆಗಬಾರದಾಗಿತ್ತು. ಕಮಿಷನ್ನಿನವರು ಮಾಡತಕ್ಕಂಥ ಕೆಲಸಕಾರ್ಯಗಳ ನಿಯಮಗಳು ಯಾವರೀತಿಯಲ್ಲಿರಬೇಕು, ಎನ್ನುವು ದರ ಬಗ್ಗೆ ಎರಡನೇ ಮತ್ತು ಮೂರನೇ ಕಲಮು ಗಳಲ್ಲಿ "ಅಡಿಷನಲ್ ಫಂಕ್ಷನ್ಸ್" ಎಂದಿದೆ. ನಮ್ಮ ಸರಕಾರದವರು ಸರಕಾರಿ ನೌಕರಿಗಳಿಗೆ ಉಮೇದು ವಾರರನ್ನು ತೆಗೆದುಕೊಳ್ಳುವಾಗ ಇದುವರೆಗೆ ಮಾಡಿ ರುವ ಕಾನೂನುಗಳಲ್ಲಿ ಇರತಕ್ಕ ಲೋಪದೋಷ ಗಳನ್ನು ತೆಗೆದುಹಾಕಿ ಅವರು ಚೆನ್ನಾಗಿ ಕೆಲಸ ಮಾಡಲು ಏರ್ಪಾಡು ಮಾಡಬೇಕಾಗಿತ್ತು. ಅದನ್ನು ಮಾಡಿಲ್ಲ.

16ನೆಯ ಕಲಮಿನಲ್ಲಿ Conduct of service examinations ಎಂದಿದೆ. ಯಾವಯಾವ ನೌಕರಿ ಗಳಿಗೆ ಪರೀಕ್ಷೆಗಳನ್ನು ಮಾಡಬೇಕು ಎನ್ನತಕ್ಕ ಮಾತು ಗಳನ್ನು ಇದರಲ್ಲಿ ಹೇಳಬೇಕಾಗಿತ್ತು. ಇದರೊಳಗೆ ಲೋಕಲ್ ಸೆಲ್ಫ್ ಗವರ್ನಮೆಂಟಿನ ಅಪಾಯಿಂಟು ಮೆಂಟುಗಳೂ ಬರುತ್ತವೆಯೇ? ಕಾನ್ಸ್ಟಿಟ್ಯೂಷನ್ನಿ ನಲ್ಲಿರುವ ಆರ್ಟಿಕಲ್ 321ರಲ್ಲಿ Additional functions, ಎಂದು ಹಾಕಿರುವಂತಹ ಕೆಲಸಗಳೇ ಅಥವಾ ಇನ್ನೂ ಹೆಚ್ಚಿಗೆ ಉದ್ದೇಶಗಳನ್ನಿಟ್ಟುಕೊಂಡು ಮಾಡತಕ್ಕ ಕೆಲಸಗಳೇ ಅಥವಾ ಮೈಸೂರಿನಲ್ಲಿರುವ ಎಲ್ಲಾ ಸಂಸ್ಥಾನದ ನೌಕರರಿಗೂ ಸಂಬಂಧಪಟ್ಟಂತ ಕೆಲಸಗಳೇ? ಇದನ್ನು ಖಚಿತವಾಗಿ ಹೇಳಬೇಕಾ ಗಿತ್ತು. ಈಗ ಎಷ್ಟೋ ರೂಲ್ಸುಗಳನ್ನು ಮಾಡುತ್ತೇವೆ. ಈ ರೂಲುಗಳನ್ನು ಯಾವುದಾದರೂ ಅಕ್ಟ್‌ನಲ್ಲಿ ಕೊಟ್ಟಿ ರತಕ್ಕಂತಹ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಅನುಸಾರವಾಗಿ ಮಾಡಬೇಕು ಎಂದು ನಿಯಮ ಇದೆ.

On page 7, Clause 18 gives the procedure to be followed by the Commission in advertising posts, inviting applications, scrutinising the same,

(ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ)

conducting examinations and selecting candidates to carry out the purposes of Section 17.

Clause 17 refers to the procedure to be followed by the local authority or any other competent authority in respect of methods of recruitment etc., in consultation with the Commission. ಹೀಗೆ ಬರೀ ರೂಲ್ಸ್ ಮಾಡಿದ್ದಾರೆಯೇ ಹೊರತು ಕಾಯಿದೆ ಮಾಡಿಲ್ಲ. 321ನೇ ಆರ್ಟಿಕಲ್ಲಿನ ಪ್ರಕಾರ ಹಿಂದುಳಿದ ವರ್ಗದವರ ಮತ್ತು ಇತರರ ವಿಚಾರದಲ್ಲಿ ಏನು ಅಡಿಷನಲ್ ಫಂಕ್ಷನ್ಸ್ ಕೊಟ್ಟಿರುವುದೇ ಸಾಕಾದಷ್ಟಿವೆ. ಇದರಲ್ಲಿ ಏನಾದರೂ ದೋಷದೋಷಗಳು ಬಂದರೆ ಅವನ್ನು ಇಲ್ಲಿ ನರಿಪಡಿಸಬೇಕಾಗಿತ್ತು, ಈ ಸರ್ವಿಸಸ್‌ನಲ್ಲಿ ತುಂಬಾ ಅನಮಾಧಾನವಿದೆ. ಈ ಅನಮಾಧಾನವನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆನ್ನುವುದು ಇದರಲ್ಲಿ ಕಂಡು ಬರುವುದೇಇಲ್ಲ. ಮುಖ್ಯವಾಗಿ ಇದು ಈ ಕಾನೂನಿನಲ್ಲಿ ಎದ್ದುಕಾಣತಕ್ಕ ಲೋಪ.

ಇನ್ನು Socialistic Pattern of the Society is the aim and object of the Congress organisation. ಇದನ್ನು ನಾವೀಗ ಆಲೋಚನೆ ಮಾಡಬೇಕಾಗಿದೆ. ಆರ್ಟಿಕಲ್ 316, 318 ಮತ್ತು 320ರ ಪ್ರಕಾರ ಯಾವಯಾವ ರೀತಿಯಾಗಿ ಸರ್ಕಾರಕ್ಕೆ ಅಧಿಕಾರವಿದೆ ಎನ್ನುವ ಅರಿವೂ ನನಗಿದೆ. ಆರ್ಟಿಕಲ್ 15ರ ಪ್ರಕಾರ ಜಾತಿ, ಕೋಮು, ಮತ್ತು ಪಂಗಡಗಳಲ್ಲಿ ಯಾವ ಭೇದಭಾವನೆಯನ್ನು ಮಾಡಕೂಡದು ಎಂದಿದೆ. ಇದರ 3ನೇ ಮತ್ತು 4ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೆಂಗಸರ, ಮಕ್ಕಳ ಮತ್ತು ಇತರರ ವಿಚಾರದಲ್ಲಿ ಸ್ವಲ್ಪ ವ್ಯತ್ಯಾಸಮಾಡಿ ಕಾನೂನನ್ನು ಮಾಡಬೇಕೆಂದು ಇದೆ.

3ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ :

"Nothing in this article shall prevent the State from making any special provision for women and Children."

ಮತ್ತು 4ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ:

"Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled castes and the Scheduled Tribes."

ಎಂದರೆ, ಸಾಮಾಜಿಕವಾಗಿ ಮತ್ತು ಜ್ಞಾನದಲ್ಲಿ ಹಿಂದುಳಿದಿರತಕ್ಕ ಜನಗಳಿಗೆ ಎಂದು ಅರ್ಥ ಮಾಡಬಹುದು.

Sri T. MARIAPPA.—Not "economically" but "educationally".

Sri K. KENCHAPPA.—Yes, 'educationally'. Education need not be interpreted in the terms of Three R's.

Sri T. SUBRAMANYA.—What "educationally" means has been interpreted by several High Courts. We have to stick to it.

2-30 P.M.

Sri T. MARIAPPA.—He is going to compare it with the past when people were not literate... ಸಾಮಾಜಿಕವಾಗಿ ಜ್ಞಾನ ಸಂಪಾದನೆಯಲ್ಲಿ ಅಥವಾ ವಿದ್ಯಾಭ್ಯಾಸದಲ್ಲಿ ಹಿಂದುಳಿದವರಿಗೆ ಸ್ವಲ್ಪ ವ್ಯತ್ಯಾಸ ಮಾಡಬಹುದೆಂದು ಇದೆ. ಇದರ ವಿಚಾರದಲ್ಲಿ Socially and educationally backward classes ಎಂದು ಇದೆಯೇ ಹೊರತು castes ಎಂದು ಇಲ್ಲ. ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಬೇಕಾದಷ್ಟು ಚರ್ಚೆ ನಡೆದು, ಇಷ್ಟೆಲ್ಲ ಆಗಿರುವಾಗ .....

Sri T. SUBRAMANYA.—I have to interfere once again. The High Court has held that to determine backward classes based upon castes is not wrong.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಸ್ವಾಮಿ, ಹೈಕೋರ್ಟಿನಲ್ಲಿ ವಾದವಿವಾದಗಳು ನಡೆದಿವೆ ಎಂದು ಹೇಳಿದೆನೇ ಹೊರತು ತೀರ್ಮಾನದ ವಿಚಾರ ಹೇಳಲಿಲ್ಲ. ಆದುದರಿಂದ ನಾವು ಹೇಳುವುದೇನೆಂದರೆ ತುಂಬಾ ವಿವಾದಕ್ಕೆ ಆಸ್ಪದ ಕೊಟ್ಟಿರತಕ್ಕ ಸನ್ನಿವೇಶಗಳಿವೆ. ಈಗ ಯಾವುದೋ ಒಂದು ಜಾತಿಯನ್ನು ತೆಗೆದುಕೊಳ್ಳೋಣ. ಒಕ್ಕಲಿಗರನ್ನೇ ತೆಗೆದುಕೊಂಡರೆ ಎಲ್ಲರೂ backward ಎಂದು ಹೇಳುವುದಕ್ಕಾಗುತ್ತದೆಯೇ ! ಅವರಲ್ಲಿ ಬೇಕಾದಷ್ಟು ಜನ ವಿದ್ಯಾವಂತರಿದ್ದಾರೆ, ಸಾಹುಕಾರರಿದ್ದಾರೆ, ಬುದ್ಧಿವಂತರಿದ್ದಾರೆ. class ಎಂದರೆ ಭೇದವಿದೆ. ಒಕ್ಕಲುತನ ಮಾಡುವವನು ಯಾವ ಜಾತಿಯವನೇ ಆಗಲಿ, ಅವನನ್ನು ಹಿಂದುಳಿದವನು ಎಂದು ಕರೆದರೆ ನರಿಹೋಗುತ್ತದೆಯೋ ಏನೋ, ತಾವು ವಿಚಕ್ಷಣೆಯಿಂದ class ವಿಚಾರವಾಗಿ ಆಲೋಚನೆಮಾಡುವುದಕ್ಕೆ ಹೊರಟಿಲ್ಲ. ಯಾವುದೋ ಒಂದು age old system ಎಂದರೆ ಪುರಾತನ ಕಾಲದಿಂದ ನಡೆದು ಕೊಂಡುಬಂದಿರುವುದನ್ನು ಹಾಗೆಯೇ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರಿ. ಹಿಂದಿನ ಕಾಲದಲ್ಲಿ ಸೂರ್ಯಚಂದ್ರರಿಗೆ ಗ್ರಹಣ ಹಿಡಿಯುತ್ತದೆಂದು, ಆ ಸಮಯದಲ್ಲಿ ನಮುದ್ರದಲ್ಲಿ ಅಥವಾ ನದಿಯಲ್ಲಿ ಸ್ನಾನಮಾಡುತ್ತಿದ್ದರು. ಆದರೆ ಈಗ ನಿಜಸ್ಥಿತಿಯನ್ನು ತಿಳಿದುಕೊಂಡು ಇವನ್ನೆಲ್ಲ ಬಿಟ್ಟಿದ್ದೇವೆ. ಹೀಗೆ ಮುಂದುವರಿಯುತ್ತಿರುವ ನಾವು ಈಗಲೂ caste system ಎಂದು ಹೋಗುವುದು ಸರಿಯಲ್ಲ. ಇಂಥಿಂಥ ಕೆಲಸ ಮಾಡುವವರು ಒಕ್ಕಲು ತನ ಮಾಡುವವರು, ಇವರೆಲ್ಲ ಹಿಂದುಳಿದವರು ಎಂದು ಮಾಡಬೇಕು. ಅವರು ಯಾರೇ ಆಗಲಿ ಅವರೆಲ್ಲ ಹಿಂದುಳಿದವರು ಎಂಬ ಭಾವನೆಯನ್ನಿಟ್ಟುಕೊಂಡು ಕೆಲಸ ಮಾಡಬೇಕು. ಈ ರೀತಿಮಾಡದೆ, ಹಿಂದಿನದನ್ನೇ ಇಟ್ಟುಕೊಂಡರೆ ಎಷ್ಟು ದಿವಸ ನಡೆಯುತ್ತದೆ! ರಾಜ್ಯಾಂಗದಲ್ಲಿ class ಎಂದು ಇದೆಯೇ ಹೊರತು caste ಎಂದು ಇಲ್ಲ.

Sri T. SUBRAMANYA.—May I request my hon'ble friend to speak on the Bill and not about Article 15(4) and the orders that Government might have to issue thereunder ?

Sri G. VENKATAI GOWDA.—He is making a suggestion to the Government.

ಅಧ್ಯಕ್ಷರು.—ಅವರು ಹೇಳುವುದು ನಿಜ. ಮಾನ್ಯ ಸದಸ್ಯರು ಹೇಳುವುದಕ್ಕೂ ಇದಕ್ಕೂ ಏನು ಸಂಬಂಧವಿದೆ. ಏನಾದರೂ ಸಂಬಂಧವಿದೆಯೇ ಎಂದು ನೋಡಿದೆ. ನನಗೆ ಸಂಬಂಧವಿದ್ದಹಾಗೆ ಕಾಣಲಿಲ್ಲ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಸಂಬಂಧವಿಲ್ಲದೆ ಇದ್ದರೆ ನಾನು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುತ್ತೇನೆ. ಇಲ್ಲದೆಇದ್ದರೆ ಅವರು ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳಬೇಕು. ಆರ್ಟಿಕಲ್ 321ರಲ್ಲಿ conditions of service ಮತ್ತು additional functions ವಿಚಾರ ಇರುತ್ತದೆ. ಈ ಕಾನೂನಿನಲ್ಲಿರುವ additional functionsಅನ್ನು ನೋಡೋಣ. ರಾಜ್ಯಾಂಗದಲ್ಲಿ ಒಂದು exception ಕೊಟ್ಟದ್ದನ್ನು ಇದರಲ್ಲಿಯೂ ಇಡುತ್ತೀರಾ? ಇಲ್ಲಿ ಇಡದೆಹೋದರೆ, ಯಾವ ರೀತಿ ಕೆಲಸಮಾಡುತ್ತೀರಿ, ಯಾವ ರೀತಿ ಅವರನ್ನು ತೆಗೆದುಕೊಳ್ಳುತ್ತೀರಿ, ಯಾವ ರೀತಿ classify ಮಾಡುತ್ತೀರಿ? ನಾನು ಇದನ್ನೆಲ್ಲ ಏಕೆ ಹೇಳುತ್ತಿದ್ದೇನೆಂದರೆ ಆರ್ಟಿಕಲ್ 321ರಲ್ಲಿ additional functions of the commissions ಯಾವ ರೀತಿ ಮಾಡಬೇಕು ಎಂದು ಇದೆ. ತಾವು rule ಮಾಡಬೇಕಾದರೆ directive principles of all the objects must be taken into consideration.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ನಮ್ಮ ಮುಂದೆ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿಗೆ functions ಏನೇನು ಇರ ತಕ್ಕದ್ದು ಎಂಬ ವಿಚಾರವಿದೆ.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಆ ಬಗ್ಗೆ ರೂಲ್ಸ್ ಮಾಡುವಾಗ ಇದೆಲ್ಲ ಬೇಕಾಗುತ್ತದೆ. ಈ ನಮೂನೆ ಮಾಡದೆ ಹೋದರೆ it offends the constitution. ಈ ಕಾನೂನಿನಲ್ಲಿ this is on omission.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಯಾವುದು offend ಆಗುತ್ತದೆ?

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಷೆಡ್ಯೂಲ್ ಜಾತಿ ಮತ್ತು ಪಂಗಡಗಳಿಗೆ ರಿಸರ್ವೇಷನ್ ಮಾಡಬೇಕೆಂದಿದೆ. Socially and educationally backward communities ಗೆ ಸ್ಪೆಷಲ್‌ಆಗಿ ರಿಯಾಯಿತಿ ಕೊಡಬೇಕೆಂದು ಇದೆ. ಈ ಕಾನೂನು ಪ್ರಕಾರ ಅದನ್ನು ಹೇಗೆ introduce ಮಾಡಿದ್ದೀರಿ? ರೂಲ್ಸ್ ಮಾಡುವಾಗ ಅದರಲ್ಲಿ ಅಧಿಕಾರ ಕೊಟ್ಟರೆ, ಹಾಗೆ ಮಾಡಲು ಈ ಪುಸ್ತಕದಲ್ಲಿ ಯಾವುದಾದರೂ directive principle ಬೇಕು. ಅದು ಇಲ್ಲದೆ.....

Mr. SPEAKER.—You give authority under clause 18 to the Government to issue by notification certain rules which the Commission has to observe. That is a different matter altogether. ರೂಲ್ಸ್ ಮಾಡಲು ಅಧಿಕಾರ ಕೊಟ್ಟಿರುವುದರಲ್ಲಿ ಸರಿಯಾಗಿ ಮಾಡುತ್ತಾರೋ ಇಲ್ಲವೋ ಎಂದು ಹೇಳಬಹುದು.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ರೂಲ್ಸ್ ಮಾಡುವುದಕ್ಕೆ ಒಂದು ಅಧಿಕಾರವನ್ನು ಯಾವುದಾದರೂ ಒಂದು ಸೆಕ್ಷನ್‌ನಲ್ಲಿ ಕೊಡಬೇಕು. ಅದರ ವ್ಯಾಪ್ತಿ ಸರಿಯಾಗಿರಬೇಕಾಗಿತ್ತು. ಒಂದು omnibus clauseನಲ್ಲಿ ಎಲ್ಲವನ್ನೂ ಮಾಡಿದ್ದೀರಿ.

The provisions of this Act are regressive and the rules become dominated.

Mr. SPEAKER.—It is a rule-making power. The rules so framed should conform to the provisions of the Bill.

Sri K. KENCHAPPA.—The rule-making power should be circumscribed by the specific provisions of the Act.

Mr. SPEAKER.—The Hon'ble Member may read the la t para *i.e.*, 18 (3). The Government must lay the rules before this House and the House will have to approve of them. The Member may say that the rules should be in conformity with the Act.

Sri K. KENCHAPPA.—The Government has to frame rules in order that there may be a directive to the Commission that so many seats should be reserved for the socially and educationally backward classes. This point should be stated in the advertisement by the P.S.C.

Sri S. D. KOTHAVALE.—Sir, this bill has not been brought under Article 15(4) or 16(4). This Bill only tries to provide rules of procedure for the P.S.C. and it gives the P.S.C. certain more functions. The rule-making power reserved to the Government in this Bill has been given in furtherence of the objectives stated in the Bill. It does not seek to make any provision for the socially and educationally backward classes, for which Articles 15 and 16 have been provided in the Constitution.

Sri K. KENCHAPPA.—The Bill pertains to Article 321 which authorises giving certain additional functions to the Commission. How can functions be assigned to the Commission which would be in violation of the other Articles of the Constitution.

Mr. SPEAKER.—The member may read Clause 17 : Functions in respect of services of local bodies. The functions are prescribed in the Bill itself. If the House approves of them, there is an end of the matter. Read also clause 18. It gives no power to Government to extend the functions of the Commission.

Sri K. KENCHAPPA.—The Government has brought this Bill in order to give some powers to the Commission and while exercising those powers the Commission has to observe certain principles.

Mr. SPEAKER.—You have every right to speak on that in the House.

Sri K. KENCHAPPA.—But the vital part of it is missing in this Bill.

Mr. SPEAKER.—That is not missing. You must read the provisions as they are.

Sri K. KENCHAPPA.—I have devoted much attention to this. Unless we repeat those two words "additional function" how can we take a comprehensive view of the entire thing which has to be in accordance with the spirit of the Constitution? There have been certain writ petitions before the High Court and the Government want to enact this legislation here. ಆ 335ನೇ ಕಲಂನಲ್ಲಿ—ಹರಿಜನರಿಗೆ—ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟಿನವರಿಗೆ ಅಧಿಕಾರಗಳನ್ನು ಕೊಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ಕೆಲವು ಸ್ಥಾನಗಳನ್ನು ಅವರಿಗೆ ಮೀಸಲಾಗಿಡಬೇಕೆಂದು ತಿಳಿಸಿರುತ್ತದೆ. ಅಲ್ಲಿ ನುಮ್ಮನೆ ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟಿನವರಿಗೆ ಕೊಡಿ ಎಂದು ಏನೂ ಹೇಳಿಲ್ಲ. ದೇಶದಲ್ಲಿ ಯಾವುದಾದರೊಂದು ಕೆಲಸವನ್ನ ಕೊಡಬೇಕಾಗಿದ್ದರೆ—ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮೊದಲು ಷೆಡ್ಯೂಲ್ಡ್ ಕ್ಯಾಸ್ಟಿನವರಿಗೆ ಹೆಚ್ಚು ಗಮನ ಕೊಡಬೇಕೆಂದೂ, ನರ್ವೀಸಿನಲ್ಲಿ ಅವರ ಸಂಖ್ಯೆಯನ್ನು ಆದಷ್ಟೂ ಹೆಚ್ಚು ಮಾಡಬೇಕೆಂದೂ ಹೇಳಿದೆ. ಆ ರೀತಿಯಾಗಿ ಮಾಡಬೇಕೆಂದು ಹೇಳಿರುವುದನ್ನು ಯಾವ ರೀತಿ ಮಾಡಬೇಕು, ಹೇಗೆ ಮಾಡಬೇಕು ಎನ್ನುವುದನ್ನು ತಿಳಿದುಕೊಳ್ಳಬೇಕೆಂಬುದೇ ನನ್ನ ಈಗಿನ ಉದ್ದೇಶ. ಈ ಬಗ್ಗೆ ಮೂಲ ಬಿಲ್ಲಿನಲ್ಲಿ ಏನಾದರೊಂದು ಬರೆಯಬೇಕಾಗಿತ್ತು. ನೀವು ಏನಾದರೂ ಮಾಡಿ ಎಂದು ಹೇಳಿಬಿಟ್ಟರೆ ಅದು ಎಂದಿಗೂ ಸರಿಹೋಗುವುದಿಲ್ಲ. ಹೀಗಾಗೇ ಈಗಾಗಲೇ ನಾವು ಅನೇಕ ಸಾರಿ ಹೈಕೋರ್ಟಿನ ಮುಂದೆ ಹೋಗಿ ಮುಖಕ್ಕೆ ಮಸಿ ಬಳಿಸಿಕೊಂಡು ಬಂದಿರತಕ್ಕಾಗಿದೆ. ಈ ಹಿಂದೆ ಹೈಕೋರ್ಟಿನಲ್ಲಿ ರಿಟ್‌ಪೆಟಿಷನ್ ವಿಚಾರಣೆಯಾಗುತ್ತಿದ್ದ ಕಾಲದಲ್ಲಿ 3 ದಿನಗಟ್ಟಲೆ ನಾನೂ ಸಹ ಅಲ್ಲೇ ಕುಳಿತಿದ್ದು ಎಲ್ಲಾ ವಿಚಾರಗಳನ್ನೂ ನೋಡಿದೆನು. ನರ್ಕಾರಕ್ಕೆ ರೂಲ್‌ಮೇಕಿಂಗ್ ಪವರ್ ಕೊಡಬೇಕೆಂಬುದೇನೋ ನರಿ. ಆದರೆ ಹಾಗೆ ಯಾವ ರೂಪದಲ್ಲಿ ಎಷ್ಟು ಪವರನ್ನು ಕೊಟ್ಟಿದ್ದೇವೆಂಬುದು ಮೂಲ ಆಕ್ಟಿನಲ್ಲಿರಬೇಕು. ಅಂಥ ನೀತಿ—ನಿಯಮವೊಂದೂ ಇಲ್ಲದೆ ಈ ದಿವನ ಆಕ್ಟುಗಳೆಲ್ಲ ಬೆರೆಯಿಲ್ಲದ ವರ್ಸ್ಟುಗಳಾಗಿವೆ. ಈ ದೋಷವನ್ನು ನರ್ಕಾರದವರು ಖಂಡಿತ ತೆಗೆದು ಹಾಕಲೇಬೇಕು. ಇಷ್ಟು ವಿಚಾರವನ್ನ ನರ್ಕಾರದವರು ಮತ್ತೊಮ್ಮೆ ಪರಿಶೀಲನೆ ಮಾಡಲೇಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ದೇಶದಲ್ಲಿ ನೋಷಿಯಲಿಸ್ಟಿಕ್ ಪ್ಯಾಟರ್ನ್ ಆಫ್ ಸೊಸೈಟಿಯನ್ನು ಜಾರಿಗೆ ತರುತ್ತೇವೆಂದು ಹೇಳಿಕೊಳ್ಳುತ್ತಿರುವ ಜನ ಈ ದಿವನ ಅವರು ಮಾಡತಕ್ಕ ಕೆಲನ ಕಾರ್ಯಗಳ ಒಂದು ಮುಂದರ್ಶನವಾಗಿ ನಮಾಜದಲ್ಲರುವ ಏರುಪೇರುಗಳನ್ನು ನರಿಪಡಿನತಕ್ಕ ಬಗ್ಗೆ ನಮ್ಮ ನಮಾಜದಲ್ಲಿ ದುಡಿಯತಕ್ಕ ಜನರ್ಯಾರು, ಯಾರು ಯಾರಿಗೆ ಯಾವ ಯಾವ ಕೆಲನಗಳನ್ನು ಕೊಡಬೇಕು; ಹೆಂಗನರಿಗೆ ಯಾವ ಕೆಲನಗಳನ್ನು ಕೊಡಬೇಕು; ದೇಶದ ನಂಪತ್ತನ್ನು ನಿಜವಾಗಿಯೂ ಹೆಚ್ಚು ಮಾಡಬೇಕೆಂಬ ಅಭಿಲಾಷೆಯಿದ್ದರೆ—ಯಾರುಯಾರಿಗೆ ಯಾವ ಯಾವ ಕೆಲನಗಳನ್ನು ಕೊಟ್ಟರೆ ಏನಾಗುತ್ತದೆಂಬುದನ್ನು ಇದರಲ್ಲಿ ನೂಚಿನಿಲ್ಲ. ಬರಿ ಈ ಮಿನಿನ್ಟೀರಿಯಲ್ ಪೋನ್ಟ್‌ಗಳನ್ನು ಅಂದರೆ ಲೇಖನಿ ಹಿಡಿದು ಕೆಲನ ಮಾಡತಕ್ಕ ಒಂದು ತಂಡವನ್ನೇ ಮಹತ್ತಾಗಿಟ್ಟುಕೊಂಡು ಈ ಒಂದು ಉದ್ಯಮಕ್ಕೇನೆ ದಕ್ಷರಾಗಿರತಕ್ಕವರನ್ನೂ ಅದಕ್ಷರಾಗಿರತಕ್ಕವರನ್ನೂ; ಶಕ್ತವಂತರನ್ನೂ—ಶಕ್ತಿ ಇಲ್ಲದವರನ್ನೂ ಒಂದೇ ನಮನಾಗಿ ನೇಮಿನುತ್ತಾ ಹೋಗುತ್ತಿದ್ದಾರೆ. ಯುಕ್ತವಾದ ಜನಗಳಿಗೆ ಒಂದು ಯುಕ್ತವಾದ ಕೆಲನವನ್ನು ಎಲ್ಲಿಯ ತನಕ ನೇಮಕ ಮಾಡುವುದಿಲ್ಲವೋ ಅಲ್ಲಿಯ ತನಕ ದೇಶದ ಉತ್ಪಾದನೆ ಹೆಚ್ಚುವುದಕ್ಕೆ ಬದಲು ತಗ್ಗುತ್ತದೆ. ಈ ದಿವನ ಎಲ್ಲರ ಗಮನವೂ ಈ ಮಿನಿನ್ಟೀರಿಯಲ್ ಹುದ್ದೆಗಳ ಕಡೆಗೇ ಹೋಗುತ್ತಿದೆ. ಇದರಿಂದ ಯಾವ ಪುರುಷಾರ್ಥ ನಾಧನೆಯಾಗುತ್ತದೋ ಅದು ತಿಳಿಯುವುದಿಲ್ಲ. ಯಾವ ಒಂದು ಕಾನೂನನ್ನು ಮಾಡುವಾಗಲೂ ಇಂಥ ವಿಷಯಗಳನ್ನು ಗಮನಕ್ಕೆ ತೆಗೆದುಕೊಳ್ಳದಿರುವುದು ತೀರಾ ವಿಷಾದಕರವಾದ ನಂಗತಿ. ನಾನಿನ್ನು ಈ ಪದಗಳ ವಿಚಾರದಲ್ಲಿ ಅಷ್ಟೇನೂ ಹೇಳುವುದಕ್ಕೆ ಹೋಗುವುದಿಲ್ಲ. ಮುಂದೆ ಇದನ್ನು ಅವರು ತಿದ್ದಿಕೊಳ್ಳಬಹುದು. ಆ ನೆರೆಕ್ಟ್ ನಮಿತಿಯವರೇನೂ ಇದನ್ನು ಮಾರ್ಪಾಡು ಮಾಡಿಲ್ಲ. ಈ ಲೋಪದೋಷಗಳನ್ನೆಲ್ಲ ನರಿಪಡಿನಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಟಿ. ನುಬ್ರಹ್ಮಣ್ಯ.—ನ್ವಾಮಿ, ಶ್ರೀಮಾರ್ ಕೆಂಚಪ್ಪನವರು ಅವರ ಶಬ್ದಗಳ ಜೋಡಾಣಿಕೆಯಿಂದ ಅಲ್ಲಿ ಇಲ್ಲದೆ ಇರತಕ್ಕ ವನ್ನುವೊಂದನ್ನು ಕಲ್ಪನಿಕೊಂಡು ಕೆಲವು ವಿಚಾರಗಳನ್ನು ತಿಳಿನಿದ್ದಾರೆ. ಆದರೆ ನಾವು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಪ್ರಾಮುಖ್ಯವಾಗಿ ಆ ಪಬ್ಲಿಕ್ ನರ್ವೀನ್ ಕಮಿಷನ್ನಿನವರು ಮಾಡತಕ್ಕ ಕಾರ್ಯಕ್ರಮಗಳು ಯಾವ ರೀತಿ ನಡೆಯಬೇಕು ಎನ್ನುವುದನ್ನೂ ಮತ್ತ ಅವರಿಗೆ ಏನು ಹೆಚ್ಚಿಗೆ ಕೆಲನ ಕೊಡಬೇಕು ಎನ್ನುವ ವಿಚಾರಗಳನ್ನೂ ಇದರಲ್ಲಿ ಅಡಕ ಮಾಡಿದ್ದೇವೆ. ಈ ಹಿಂದೆ ಪಬ್ಲಿಕ್ ನರ್ವೀನ್ ಕಮಿಷನ್ನಿನವರಿಗೆ ನ್ಥಳೀಯ ನಂನ್ಥೆಗಳಿಗೆ ನಂಬಂಧಪಟ್ಟ ನೌಕರಿಗಳ ಅಧಿಕಾರವನ್ನು ಅವರಿಗೆ ಕೊಟ್ಟಿರಲಿಲ್ಲ ಇನ್ನು ಮುಂದೆ ಆ ಕೆಲನವನ್ನೂ ಕೂಡ ಈ ಮುಂಡಳಿಯವರೇ ಮಾಡಬೇಕೆಂದು ಹೇಳಿದ್ದೇವೆ.

ಇನ್ನು ಎರಡನೆಯದಾಗಿ ಇಲ್ಲಿಯ ವರೆಗೂ ನರ್ಕಾರದಲ್ಲಿ ಒಂದು ಎಗ್ಜಾಮಿನೇಷನ್ ಬೋರ್ಡ್ ಎಂದು ಇತ್ತು. ಈ ಬೋರ್ಡು ನಡೆನುತ್ತಿದ್ದ ಕೆಲನವನ್ನು ಇನ್ನು ಮುಂದೆ ಈ ಪಬ್ಲಿಕ್ ನರ್ವೀನ್ ಕಮಿಷನ್ನಿನವರೇ ನೋಡಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿದ್ದೇವೆ. ಈ ವಿಚಾರಗಳನ್ನು ಬಿಟ್ಟರೆ ಇನ್ನು ಮುಂದಕ್ಕೇನೂ ಇಲ್ಲ. ಇಷ್ಟು ವಿಚಾರಗಳಿರುವಾಗ 15(4)ರಲ್ಲಿ ಅದಿರಬಾರದು 16(4) ಇದಿರಬಾರದು ಎಂದು ಹೇಳುವುದು ನಾಧುವಾದುದಲ್ಲ. ಇದಕ್ಕೆ ಇಂಗ್ಲೀಷಿನಲ್ಲಿ ಹೇಳಬೇಕಾಗಿದ್ದರೆ a little confusion ಮಾಡಿಕೊಂಡಿದ್ದಾರೆಂದು ಹೇಳಿ ಇದನ್ನು ಇಷ್ಟಕ್ಕೇ ಬಿಡುತ್ತೇನೆ.

Sri C. M. ARUMUGHAM (Kolar Gold Fields).—So far as the percentage of reservation for appointment is concerned, it is not stated in the Constitution.

†Sri T. SUBRAMANYA.—If the Hon'ble Member will permit me to say, so far as the percentage to be reserved for the backward classes who are not

adequately represented in the service is concerned, the power is vested with the Government and not with the Public Service Commission. The Government will have to issue notification or frame rules with regard to the reservation of seats for backward classes who are not adequately represented in the services. It does not come under the purview of this Bill at all. There will be other occasions for my friend to discuss these matters when Government, keeping in view the judgment of the High Court, frame rules and bring them into effect by issue of a notification. We are now concerned with giving additional functions to the Commission, such as holding examinations and recruiting people to the Local Self-Government Institutions. These are the two extra powers, additional functions, given to the Public Service Commission. In pursuance of this purpose, Government have been given powers to frame rules. Any rule that we frame cannot be against the spirit of the Bill. If my friends would kindly bear with me, I would like to bring to their notice that in every enactment that power is there. Clause 18 says:

"The Government may, in consultation with the Commission by notification in the Official Gazette make rules for carrying out the purposes of this Act."

Then, Sir, Clause 18(2) (i) says:

"In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely;—

(i) the procedure to be followed by the Commission in advertising posts....."

We may say, it must be published in several papers:

"... . .....inviting applications, scrutinising the same, conducting examinations and selecting candidates to carry out the purposes of section 17;

(ii) the procedure to be followed by the local authority or any other competent authority for consultation with the Commission;

(iii) any matter which is incidental to, or necessary for the purpose of consultation with the Commission."

Therefore, we have not taken any extraordinary powers. which would make it possible for our friends to entertain fears that we are doing something unconstitutional. With these words I commend the Bill for the acceptance of the House.

Mr. SPEAKER.—The question is:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958 as reported by the Select Committee be taken into consideration"

The motion was adopted.

Mr. SPEAKER.—Now, the Bill to be read clause by clause. Clauses 2 to 6. The question is:

"That Clauses 2 to 6, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 6, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 7.

Sri G. VENKATAI GOWDA (Palaiyam).—I beg to move:

"That the proviso to clause 7 shall be deleted."

Mr. SPEAKER.—Amendment moved:

"That the proviso to clause 7 shall be deleted."

†Sri G. VENKATAI GOWDA.—Sir, Clause 7 says:

"If the Chairman is unable to be present at a meeting of the Commission, the senior-most Member present shall act on his behalf."

The proviso is:

"Where the Chairman so requires, no action shall be taken

(SRI G. VENKATAI GOWDA)

upon any decision arrived at in a meeting at which he was not present, until he has been informed of such decision, and upon being so informed, he may require that any such decision shall be reconsidered at a meeting at which he is present".

Sir, this proviso gives an over-riding power. You can veto any decision taken either unanimously or otherwise by the Members of the Public Service Commission. The quorum of the Commission is fixed at two. Suppose unanimous decision is taken on a particular issue. If the Chairman again says that this should be reconsidered then, it amounts to his sittings in judgment over the decision taken by the other Members unanimously. Is it a healthy procedure to be adopted or does it secure any social justice ? With that object in view I am suggesting this amendment. The senior most Member can act as the Chairman and when there is the quorum and when the decision taken is unanimous, that should not be again directed by the Chairman to be reconsidered. Virtually, it is vetoing the decision so taken by the other Members, if that decision is not to the liking of the Chairman. It leads to all sorts of complications. I do not know why such powers should be given to the Chairman. Therefore, I request the Government to delete the proviso.

†Sri J.B. MALLARADHYA (Nanjangud).—Sir, I rise to support the amendment moved by Sri G. Venkatai Gowda. I do not consider this proviso to be democratic at all in its approach. You are glorifying the Chairman. It also conflicts with clauses 9 and 14. Please read clause 14. "The Chairman, or in his absence the next Senior Member, may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the Commission as early as possible." Suppose, the category of cases under clause 14 is dispose of. So, even when emergent cases are disposed of, if they are to be referred to the Chairman for reconsideration, it leads to complications. If the intention of the Government or the object of the Bill is to see that only the Chairman should be present when any important decision is taken, you may say, that the decision need not be binding on him. Suppose, the Chairman is on leave for two or three months does it mean that no case should be disposed of? You are dealing with these two Members in a very casual manner. You are creating a split in the Commission itself. You are trying to interfere with the normal work of the Commission itself.

3 P.M.

Even from that point of view, I consider that this proviso should be deleted. If you are giving the power to the senior-most member to function as Chairman, then let him exercise all the powers of the Chairman. If not, then say that during the period of the absence of the Chairman, the work of the Commission is suspended. Otherwise, it will lead to a lot of difficulties. It conflicts with Section 9 where in you say that the quorum is 2 and Section 14 which deals with emergent cases. Suppose in an emergency, the seniormost member functions under Section 7. Then that proviso applies to Section 14. So in view of all that, my first reaction to this is that it is undemocratic. When the will of the majority is to prevail, you go and glorify a single individual. You don't specify anywhere in the Bill as to the relative importance or status of the three Members including the Chairman.

Sri T. SUBRAMANYA.—One of them is the Chairman and the others are ordinary members.

Sri J. B. MALLARADHYA.—Why do you allow these people to function at all in the absence of the Chairman ? Then you say that in the absence of the Chairman, the function of the Public Service Commission is in a state of suspended animation.

†Sri R. CHENNIGARAMIAH(Madhugiri).—I am inclined to agree with my friends with regard to the deletion of

this proviso. Now, the powers of the Members of the Public Service Commission are alike. There is no difference between one member and another member. The Chairman has not been given extra power under the existing rules except that he presides over meetings and he has control over the establishment. With regard to decisions, he has not got extra power under the existing rules. You say that the majority will prevail. Suppose three members are present and the Chairman differs from the other two. The other two form the majority. Then he cannot ask them to reconsider the matter. How can he do so when he is absent? When the senior most member presides, the Chairman has got the extra power to ask the Commission to reconsider the decision. When he is present, he has not got that power. So, it is not necessary to give him that extra power unless you are prepared to concede the same thing to the seniormost member. You cannot give this privilege only to the Chairman and not to the other Seniormost Member. It is illogical and it is not correct to give this extra power to the Chairman.

MR. SPEAKER.—The House now rises and meets after half an hour.

The House adjourned for recess at Five Minutes past Three of the Clock and re-assembled at Thirty-five Minutes past Three of the Clock.

[MR. DEPUTY SPEAKER in the Chair.]

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸರ್ಕಾರದವರು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕು ಎಂದು ಹೇಳಿ ನಾನು ಅವರಲ್ಲಿ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಇದನ್ನು ದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕಾಗಿತ್ತು. ಇದರ ಹಿಂದುಗಡೆ ಏನಿದೆ ಎನ್ನುವುದನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯವರು ಯೋಚನೆ ಮಾಡಿ ಅದನ್ನು ಮನಗಾಣದೆ ಇದ್ದುದು ಬಹಳ ವಿಷಾದಕರ. ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್‌ನಲ್ಲೂ ಕೂಡ ರಾಜಕೀಯ ತರುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದಾರೆ ಎಂದು ಅರ್ಥವಾಗುತ್ತದೆ. ಏತಕ್ಕೆಂದರೆ ಸೀನಿಯರ್‌ಮೋಸ್ಟ್ ಮೆಂಬರಾಗಿ ಇದ್ದು ಕೊಂಡು ಚೇರ್ಮನ್ ಏನು ಕೆಲಸಕಾರ್ಯಗಳನ್ನು ನಿರ್ವಾಹ ಮಾಡುತ್ತಿದ್ದಾರೋ ಆ ಅಧಿಕಾರ ತನಗೆ ಇದೆಯೆಂದು ಒಂದು ತೀರ್ಮಾನ ತೆಗೆದುಕೊಂಡ ಮೇಲೆ ಯಾವುದೋ ಕಾರಣಕ್ಕೋಸ್ಕರ ಡಿಸಿಜನ್ ಸರಿ ಇಲ್ಲ ಎಂದು ಹೇಳಿ ಸರ್ಕಾರದವರು ವಾಪಸ್ಸುಕಳುಹಿಸಿ ರೀಕನ್‌ಸಿಡರ್‌ಮಾಡಿ ಎಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ ಸೆಕ್ಷನ್ 14 ಮತ್ತು 17 ಈ ಎರಡನ್ನೂ ಕೂಡ ಓದಿದರೆ ಚೆನ್ನಾಗಿ ಅರ್ಥವಾಗುತ್ತದೆ. ಒಂದು ಕಡೆ ಸೀನಿಯರ್ ಮೋಸ್ಟ್ ಮೆಂಬರ್ ಡಿಸಿಷನ್ ತೆಗೆದುಕೊಂಡು ಸರ್ಕಾರಕ್ಕೆ ತಿಳಿಸಲು ತಿಳಿಸದೆ ಹೋಗಲು ಅದನ್ನು ಎಫಿಕ್ಟಿಗೆ ಕೊಡಬೇಕು ಎಂದಿದೆ. ಇನ್ನೊಂದು ಕಡೆ, ಅದನ್ನು ಶೀಘ್ರವಾಗಿ ಚೇರ್ಮನ್ನಿಗೆ ರಿಪೋರ್ಟ್ ಮಾಡಬೇಕೆಂದು ಇದೆ. ಚೇರ್ಮನ್‌ಗೆ ಅದು ಸರಿಯಿಲ್ಲ, ಅದನ್ನು ಪುನಃ ರಿಕನ್‌ಸಿಡರ್ ಮಾಡಬೇಕು ಎಂದು ಹೇಳುವ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೆ. ಇದರಿಂದ ಒಂದಕ್ಕೊಂದು ಎಷ್ಟರಮಟ್ಟಿಗೆ ಅರ್ಥ ಇಲ್ಲದೆ ಇರತಕ್ಕ ಪ್ರಸಂಗ ಆಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ಇಂತಹ ಒಂದು ವಿಷಯದಲ್ಲಿ ಏನಾದರೂ ಅನುಕೂಲವಾಗಿದ್ದರೆ ಅದು ಸರಿ ಎಂದು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾನೆ. ಅನನುಕೂಲವಾಗುವ ರೀತಿಯಲ್ಲಿ ಅದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳದೆ ಇರಬಹುದು. ಇಲ್ಲಿ ಇರುವ ಮೂರು ಜನರಲ್ಲೇ ಒಂದು ರಾಜಕೀಯವನ್ನು ಏಕೆ ಬೆಳೆಸುವುದಕ್ಕೆ ಹೋಗುತ್ತೀರಿ? ಈ ಅಮೆಂಡುಮೆಂಟನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುವುದಾದರೆ ತಮಗೆ ಆಗತಕ್ಕ ಅನನುಕೂಲಗಳಾದರೂ ಏನು? ಇಲ್ಲಿ ಹೀಗಿದೆ,

> "Provided that the Chairman shall be informed of such decisions arrived at in such a meeting in respect of any case....."

ಈ ರೀತಿ ಹೇಳುವುದು ಸರಿಯಾದುದಲ್ಲ ಮತ್ತು ಇಂತಹ ಒಂದು ಪ್ರಶ್ನೆ ಇಲ್ಲಿರಬಾರದು. ತಾವೂ ಕೂಡ ಇದನ್ನು ಸ್ವಲ್ಪ ಸುದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡುವುದೊಳ್ಳೆಯದು ಎಂದು ನಾನು ತಮ್ಮಲ್ಲಿ ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳಾಗಿದ್ದ ಶ್ರೀಮಾನ್ ಚೆನ್ನಿಗರಾಮಯ್ಯನವರೇ ಮೂರು ಜನರಿರತಕ್ಕ ಕಮಿಷನ್ನಿನಲ್ಲಿ ಇಬ್ಬರು ಮೆಜಾರಿಟಿಯಲ್ಲಿ ಮಾಡಿದ ತೀರ್ಮಾನವನ್ನು ರೀಕನ್‌ಸಿಡರ್ ಮಾಡಬೇಕೆಂದು ಒಪ್ಪಿಕೊಳ್ಳುವುದು ಸರಿಯೇ ಇದು ಹೇಗಿದೆ ಎಂದರೆ ಒಂದು ಸಲ ಗೌರೀಶಂಕರದ ಶಿಖರದ ಮೇಲೆ ತೆಗೆದುಕೊಂಡು ಹೋಗುತ್ತೀರಿ ಮತ್ತು ಪುನಃ ಅವರನ್ನು ದಡಾರನೆ ಎತ್ತಿ ಹಾಕುತ್ತೀರಿ. ಇದನ್ನು ಸರಿಯಾಗಿ ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಯಲ್ಲಿ ಯೋಚಿಸಲಲ್ಲವೇ? ಸೆಕ್ಷನ್ನು 14ರಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ.

> "The Chairman, or in his absense the next Senior Member, may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the Commission as early as possible."

ಇದರಲ್ಲಿ ಯಾರಾದರೂ ಒಬ್ಬ ಮನುಷ್ಯನ ಮೇಲೆ ಅಪೀಲನ್ನು ವಿಚಾರಣೆ ಮಾಡಬೇಕಾಗಿದ್ದರೆ, ಚೇರ್ಮನ್ನರು ಇಲ್ಲದೇ ಇರುವಾಗ ಸುಲಭವಾಗಿ ರಿಪೋರ್ಟನ್ನು ತರಿಸಿಕೊಂಡು ಅನುಕೂಲವಾಗುವಂತೆ ಮಾಡಬಹುದು.

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಹೀಗೆ ಸರ್ಕಾರ ಒಂದು ಕೈಯಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ದಾನಮಾಡಿ ಇನ್ನೊಂದು ಕೈಯಲ್ಲಿ ಆ ಅಧಿಕಾರವನ್ನು ಮೊಟಕು ಮಾಡುವುದಾದರೂ ಏಕೆ? ಅಲ್ಲದೆ ಇದರಲ್ಲಿ ಚೇರ್ಮನ್ನರಿಗೆ ಇಂತಿಂತಹ ಅಧಿಕಾರಗಳಿವೆ ಎಂದು ಹೇಳಿಲ್ಲ.

Functions of the Chairman and Functions of the Members ಏನು ಎನ್ನುವುದು ಇಲ್ಲಲ್ಲ.

ಇಲ್ಲಿ ಒಬ್ಬರಿಗೊಬ್ಬರಿಗೆ ವಾದವಿವಾದಗಳನ್ನು ತರಬೇಡಿ. ನಿನ್ನೆಯ ದಿವಸ ಈ ಪಬ್ಲಿಕ್ ಸರ್ವಿಸ್ ಕಮಿಷನ್ನಿನ ರಿಪೋರ್ಟಿನ ಮೇಲೆ ಸರ್ಕಾರದ ಕಡೆಯಿಂದ ಶ್ರೀಮಾನ್ ಕಡಿದಾಳ್ ವ ಂಜಪ್ಪನವರು ಮಾತನಾಡುತ್ತಾ ನಮ್ಮ ಸರ್ಕಾರದ ಉದ್ದೇಶ ಈ ಕಮಿಷನ್ನಿನ ಕೆಲಸ ಕಾರ್ಯಗಳಲ್ಲಿ ಕೈಹಾಕುವುದಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಇಲ್ಲಿ ಇದೇನು ತೋರಿಸುತ್ತದೆ?

Please read in between the lines and let me know.

ತಾವು ಈ ಸಭೆಯ ವೃದ್ಧ ಪಿತಾಮಹರು, ಭೀಷ್ಮಾಚಾರ್ಯರು.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಶಿಷ್ಯಾದಿಚ್ಛೇತ್ ಪರಾಜಯಂ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇದರಲ್ಲಿ ಯಾವ ರಾಜಕೀಯವೂ ಇಲ್ಲ. ಆದುದರಿಂದ ಇದರಲ್ಲಿ ಅಧಿಕಾರವನ್ನು ದುರುಪಯೋಗಪಡಿಸಿಕೊಳ್ಳಲು ಅವಕಾಶವಿದೆ. ಇದನ್ನು ಸರಕಾರದವರು ಸುದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕು. ಇಲ್ಲಿರುವ ಪ್ರಾವಿಸೋವನ್ನು delete ಮಾಡುವುದು ಒಳ್ಳೆಯದು. ಪ್ರಜೆಗಳೆಲ್ಲರಿಗೂ ಅನುಕೂಲವಾಗುವಂತೆ ಒಳ್ಳೆಯದಾಗುವಂತಹ ಕಾನೂನುಗಳನ್ನು ತರಬೇಕು. ಒಳ್ಳೆಯದಾಗಿರುವುದನ್ನು ನೀವು ಸ್ವೀಕರಿಸಬೇಕು. ತಾವೂ ವಿದ್ಯಾವಂತರು, ತಿಳಿದವರು ಆಗಿರುವುದರಿಂದ ತಮ್ಮಲ್ಲಿ ಅತಿ ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತಿದ್ದೇನೆ. ಈ ಪ್ರಾವಿಸೋವನ್ನು ತೆಗೆದುಬಿಡಿ. ಇದರಿಂದ ಕಲಮು 7 ಮತ್ತು 14ಕ್ಕೆ ಕ್ಲಾಷ್ ಆಗುತ್ತದೆ. ತಾವು ಇದನ್ನು ದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಿ ಈ ಪ್ರಾವಿಸೋವನ್ನು ಡೆಲಿಟ್ ಮಾಡಬೇಕೆಂದು ಹೇಳಿ ಮತ್ತು ಈಗ ತಂದಿರುವ ಅಮೆಂಡುಮೆಂಟನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಹೇಳಿ ಈ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†Sri T. SUBRAMANYA.—I am very sorry. I am unable to accept this amendment. This proviso is in force under the rules framed ever since the formation of the Public Service Commission; It was in force from 1956 onwards.

Sri G. VENKATAI GOWDA.—Only in the rules.

Sri T. SUBRAMANYA.—There was no enactment so far. Therefore, we have not introduced any fresh idea that has not been worked out so far. It is in vogue in Madras and in every other State the same thing is in practice and therefore we have introduced it here also.

Sri C. K. RAJAIAH SETTY.—Is it necessary that we should copy Madras?

Sri T. SUBRAMANYA.—It is not necessary always. It was here. It is there in Madras. I want to show to the Hon'ble Members that clauses 9 and 14 are in no way contradictory to this proviso. Clause 9 reads as follows:

> "The quorum for a meeting of the Commission shall be two but the Presiding Officers may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any Member."

Therefore, whether he is Chairman or any senior Member who presides over the meeting of the Commission, if he thinks that the presence of another member also is necessary and that a fuller body of the Commission will have to meet to decide this matter he may adjourn this meeting; because he thinks that the other member who is absent that day is in the know of things better than the other two Members. Therefore, he says 'let this business be taken at some other meeting, when the other member also is present and adjourns the meeting. It is not contradictory.

Sri J. B. MALLARADHYA.—What you said does not refer to the absence of the Chairman.

Sri T. SUBRAMANYA.—'Presiding officer' includes the Chairman also. I am interpreting it judicially. Any person who presides over that meeting is the presiding officer; he may be the Chairman; he may be the seniormost member of the Commission other than the Chairman. Therefore, if the presiding officer feels that.....

Sri R. CHENNIGARAMIAH.—The senior member presides only when the Chairman is absent. When the Chairman is absent, the senior member has got a right to preside. Unless there are two members, there will be no meeting of the Commission.

Sri T. SUBRAMANYA.—With all due deference to the Hon'ble Member Sri Chennigaramiah, I have to bring to the notice of this House that the presiding officer may be the Chairman or any other member. If it is the

Chairman and if he feels a particular item of business included in the Agenda cannot be disposed of without the presence and help of the other member, he may adjourn. If the presiding officer is one other than the Chairman, and if he feels that the Chairman's presence is necessary he may adjourn. Therefore, it is not contradictory to proviso to Clause 7.

I have heard all the arguments and I am going to answer the points raised.

First I shall read clause 7 which says:

> "If the Chairman is unable to be present at a meeting of the Commission, the seniormost Member present shall act on his behalf:
>
> Provided that the Chairman shall be informed of such decisions arrived at in such a meeting in respect of any case which he may specify; and if on being so informed, he is of the opinion that any such decision should be reconsidered at a meeting of the Commission at which he is present, such decision shall be reconsidered accordingly, and until such reconsideration, no action shall be taken on such decision."

So, if the Chairman is absent and if the other two members sit together and come to a decision and if that is brought to the notice of the Chairman, the Chairman may say: "Don't implement it please; I want to refer it back to the Commission when I also would be present." If there arise any cases in which the other two members of the Commission are not aware of a particular view-point and if the Chairman thinks that a better decision could be taken or if he thinks that had that particular view-point been brought to the notice of the other two members, they would not have taken the decision, then he, being an important member of the Commission—the other two also are important but the Chairman is more important member of the Commission-should have the discretion to refer the matter once again to the Commission and convince his colleagues.

Sri C. J. MUCKANNAPPA.—That is our apprehension.

Sri T. SUBRAMANYA.—You always see a ghost in darkness. (Laughter).

Sri C. J. MUCKANNAPPA.-Myself!

Sri T. SUBRAMANYA.—Whatever that might be, if the two members of the Commission who have taken a unanimous decision are after hearing the arguments of the Chairman of the Commission also satisfied, that their original decision was correct, they will stick to it. The original decision will stand. Here, we give a special discretion to the Chairman so that as the most important member of the Commission if he does not agree to the decision, he must have an opportunity to convince his colleagues. This is not repugnant to clause 9.

Sri J. B. MALLARADHYA.—May I ask for a clarification? When you define the powers of the Chairman and of the other members, you mean no distinction whatsoever between one member and the Chairman. By doing this you are trying, as I stated before, to give him the power to reserve. That is not fair to the other members.

Sri T. SUBRAMANYA.—They may reject it; there is nothing wrong. I have heard all my friends and I am not sticking to this proviso because of any false notion of prestige.

Sri C. M. ARUMUGHAM.—Therefore drop it.

Sri T. SUBRAMANYA.—You have not seen eye to eye with me. It is necessary. I envisage a situation where a particular point of view has not been brought to the notice of the other members or it is within the experience of all of us that we take a decision without knowing that there was the other point of view and when the other point of view is urged before us, we feel like changing our previous decision.

Sri T. MARIAPPA.—Just like the Governor referring back a Bill to the House.

Sri C. M. ARUMUGHAM.—One thing the Hon'ble Minister must bear in mind is this: the decision of the Commission whether it is by two or three members, as the Hon'ble Member Sri Mallaradhya put it clearly, is final. It is

(SRI C. M. ARUMUGHAM)

not a decision of two members. When the Commission comes to a decision, what can the Chairman or a member do? Therefore the Commission should be given supreme power. Power should not be given to the Chairman or any member to review it.

Sri T. SUBRAMANYA.—The decision of the Commission is final so far as the Commission is concerned. But have they no power to review their own decision?

Sri C. M. ARUMUGHAM.—They can.

Sri T. SUBRAMANYA.—So if they have power to review their decision when fresh facts are brought to their notice, the Chairman will see that they are brought to their notice and if they are convinced they will revise their decision else they will adhere to it. There is no question of glorifying the whole Public Service Commission. You cannot touch them and I cannot touch them.

Sri J. B. MALLARADHYA.—The Chairman is given the power to review.

Sri T. SUBRAMANYA.—The Chairman himself does not review. He with all his friends in the Commission has power to review, or re-consider. If they are convinced, then they will revise and not otherwise.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನೀವು ಒಪ್ಪಿಕೊಳ್ಳದೆ ಇದ್ದರೆ ಶ್ರೀ ಮಾರ್. ಚೆನ್ನಿಗರಾಮಯ್ಯನವರು ಅಸ್ಥಾನಕ್ಕೆ ಬಂದು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆ.

Sri T. SUBRAMANYA.—They say at every stage and at every time "if you continue there you may not do it and next time another person will come and do it" and for a man to think that he will continue for eternity is unwise; I do not call him foolish. I want to remind the Hon'ble Members of a verse in the Mahabharatha which may be useful to our friends who say: "if you don't do it Sri Chennigaramiah will do it". In fact Sri Chennigaramiah did it during his time. It is nothing fresh.

Sri J. B. MALLARADHYA.—He has reviewed his own decision (*Laughter*).

Sri T. SUBRAMANYA.—He has powers. I was quoting a line from the Mahabharatha.

"ಅಹನ್ಯಹನಿ ಭೂತಾನಿ ಪ್ರವಿಶಂತಿ ಯಮಾಲಯಂ |

ಶೇಷಾಸ್ಥಾವರಮಿಚ್ಛಂತಿ ಕಿಮಾಶ್ಚರ್ಯ ಮಿತಃ ಪರಂ"

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇನ್ನೊಂದು ನಲ ಹೇಳಿ, ಸ್ವಾಮಿ, ಬರೆದುಕೊಳ್ಳಲು.

Sri T. SUBRAMANYA.—I am not going to say to your dictation. If you want you may come to my house and become my student, if you want those things to be taught.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಆ ಶ್ಲೋಕದ ಅರ್ಥ ಹೇಳಿ, ಸ್ವಾಮಿ.

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಪ್ರತಿ ನಿಮಿಷವೂ ಭೂತ ಕರ್ಮಿಗಳು ಯಮಾಲಯವನ್ನು ಹೊಗುತ್ತಾರೆ. ಆದರೂ ಉಳಿದವರು ಮಾತ್ರ ತಾವು ಶಾಶ್ವತವಾಗಿರುತ್ತೇವೆಂದು ತಿಳಿಯುತ್ತಾರೆ, ಶ್ರೀಮಾನ್ ಮುಕ್ಕಣ್ಣಪ್ಪನಂಥವರು ಎಂದು ಹೇಳಿದೆ, ಅಷ್ಟೆ.

ಶ್ರೀ ಜೆ. ಬಿ. ಮಲ್ಲಾರಾಧ್ಯ.—ಭಾರತದಲ್ಲಿ ಮುಕ್ಕಣ್ಣಪ್ಪನವರ ಹೆಸರು ಬಂದಿದೆಯೇ?

ಶ್ರೀ ಟಿ. ಸುಬ್ರಹ್ಮಣ್ಯ.—ಅವರ ಹೆಸರು ಇಲ್ಲಿ ಬಂದಿದೆ. ಮೂರು ಕಣ್ಣಪ್ಪನ ಹೆಸರು ಅಲ್ಲಿ ಬಂದಿದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅವರು ನಮ್ಮ ಗುರುಗಳು, ಏನು ಬೇಕಾದರೂ ಹೇಳಲಿ.

Sri T. SUBRAMANYA.—Sir, it is often said that I am his guru. He accepts it though I do not recognise myself as his guru (*Laughter*).

Next I come to clause 14 which is not in any way contrary to the provisions of clause 9 or the proviso to clause 7.

Clause 4 says:

> "The Chairman, or in his absence the next Senior Member, may deal with any urgent matter appearing to him to require immediate action. Such action shall be reported to the Commission as early as possible."

Whether he is the Chairman or the Seniormost Member, if he comes to know that in his absence certain decisions on urgent matters have been taken, he should not keep quiet but must immediately report it to the Commission, when the entire body will be called. For example,

4 P.M.

there was an instance in which we sought the opinion of the Commission with regard to the qualifications for Munsiffs' examinations or the syllabus for the examinations. The full Commission could not meet. The Chairman gave his opinion and then placed the matter before the Commission. In several instances it happens. It is only in urgent matters that he is allowed to act and then report the matter to the Commission. I do not want to hurt my friends, but I am not able to see any substance in the amendment and therefore I oppose it.

Mr. DEPUTY SPEAKER.—The question is :

"That the proviso to clause 7 shall be deleted."

The motion was negatived.

Sri C. M. ARUMUGHAM.—I demand a division, Sir.

(*The bell was rung for two minutes.*)

Mr. DEPUTY SPEAKER.—The question is :

"That the proviso to clause 7 shall be deleted."

(25 *members voted in favour of the Amendment and* 51 *against.*)

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 8. The question is :

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 9.

Sri G. VENKATAI GOWDA.—I beg to move :

'That the words "but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any member" shall be deleted.'

Mr. DEPUTY SPEAKER.—Amendment moved :

'That the words "but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any member" shall be deleted.'

†Sri G. VENKATAI GOWDA.—Clause 9 fixes the quorum for a meeting of the Commission as two. When the Commission transacts business with a quorum, I do not see any reason why the Chairman should be vested with the discretion of adjourning the meeting. Before the Commission meets, it will have an agenda before it and the Members will have all the necessary materials before them. Why then should the Chairman adjourn the meeting ? Therefore I submit that the latter part of the Clause should be deleted.

†Sri J. B. MALLARADHYA.—Sir, I support the amendment. The whole thing looks a bit funny. We are fixing up a quorum and in the same breath we say that the Chairman can adjourn the business. Why then is a quorum at all contemplated ? This portion of the clause should be deleted. It is against common sense. In fact the first portion contradicts the second one. The Law Minister says that there should be no question of prestige on one side of the House and that both the sides should have prestige. Here is an occasion for him not to stand on prestige, but be bold enough to accept the amendment. The Minister quoted the Madras Act. May I know if such a power is given to the Chairman under the Madras Act ? I do not know what is at the back of the mind of th Government in giving this power to t h

(SRI J. B. MALLARADHYA)

Chairman. Because the Minister can bring a few members and then get votes, he should not think that what all he does is right. They have made so many provisions in the Village Panchayats Act and I am sure that in course of time, Government would realise their folly and come to their senses. The latter part of this Clause should be deleted and the clause should stop after mentioning the quorum required to transact business.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಸ್ವಾಮಿ, ನಾನು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ಮತ್ತೊಂದು ಸಾರಿ ಕೇಳುತ್ತೇನೆ. ಅವರು ಒಪ್ಪಿಕೊಳ್ಳುವುದು, ಬಿಡುವುದು ಬೇರೆ. ಇವರು ಭಗವದ್ಗೀತೆ, ರಾಮಾಯಣ, ಪಾರ್ವತಿಪರಮೇಶ್ವರ ಸಂವಾದ—ಇವುಗಳಲ್ಲಿ ಇರತಕ್ಕ ಪದಗಳನ್ನು ತೆಗೆದು ಇದರಲ್ಲಿ ಹಾಕಿದರೆ ಹೇಗೆ?

Sri T. SUBRAMANYA.—It is not fair for the Hon'ble Member to say like that.

†ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇವರಿಗೆ ಇಷ್ಟು ವಯಸ್ಸಾಗಿದೆ. ಅಂತಹವರು ಕೋಪಮಾಡುವುದು ಸರಿಯೇ? ನಾವು ಒಂದು ವೇಳೆ ಕೋಪಮಾಡಿಕೊಂಡರೆ ನಮಗೆ ಬುದ್ಧಿವಾದ ಹೇಳಬೇಕು. ನುಮ್ಮನೆ ಇಂತಹ ಕಾನೂನುಗಳನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಿ ಎಂದು ನಮಗೆ ಅಜ್ಜಮ್ಮನ ಕಥೆ ಹೇಳುತ್ತಾ ಹೋದರೆ ನಾವು ಒಪ್ಪಿಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

> "The quorum for a meeting of the Committee shall be two, but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any Member."

ಇಲ್ಲಿ ಹೇಳಿರುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಆದರೆ ಕೋರಂ ಆಫ್ ಮೀಟಿಂಗ್ ಅಂದರೇನೆಂಬ ವಿಷಯ ನಮಗೆ ಚೆನ್ನಾಗಿ ಅರ್ಥವಾಗುತ್ತದೆ. ಅಲ್ಲಿ ಒಂದು ವೇಳೆ ನಾನ್ ಆಫಿಷಿಯಲ್ ಮೆಂಬರ್ ಎಂದು ಒಬ್ಬರು ಇದ್ದರೆ ಏತಕ್ಕೋಸ್ಕರ ಚೆನ್ನಾಗಿ ಕೆಲಸಮಾಡುವುದಕ್ಕಾಗುವುದಿಲ್ಲ? ಏತಕ್ಕೋಸ್ಕರ ಒಬ್ಬ ಮೆಂಬರು ಗೈರುಹಾಜರಿಯಾದರೆ ಅಡ್‌ಜರ್ನ್ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತಾರೆ? ಆದುದರಿಂದ ಇದೆಲ್ಲವನ್ನೂ ಸರ್ಕಾರದವರು ನಮ್ಮ ಮನಸ್ಸಿಗೆ ಮನವರಿಕೆಯಾಗುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಹೇಳಿದರೆ ಇದನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಬಹುದು. ಇದನ್ನು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಕಳುಹಿಸುವಾಗ ಚೆನ್ನಾಗಿ ಪರೀಕ್ಷೆಮಾಡಿ ಅಲ್ಲಿ ಈ ತಿದ್ದುಪಡಿಗಳನ್ನೆಲ್ಲಾ ಒಪ್ಪಿದ ಅನಂತರ ಪುನಃ ಇಲ್ಲಿ ನಮಗೆ ಕರ್ಟೈನ್ಸ್ ಆಗುವಂತೆ ಹೇಳಬೇಕು.

We are not convinced. So we request Government to see that this is deleted.

†Sri V. S. PATIL (Belgaum).—Sir, I rise to support the amendment that has been moved by my friend in the Opposition. As pointed out by Sri Mallaradhya, the rest of the words in the clause after the words "the quorum for a meeting of the Commission shall be two" must be deleted. We all know that there are several rules and regulations for conducting meetings of either Parliament or this House or subordinate bodies like municipalities, local boards, etc. and those rules fix a quorum. When there is a quorum, if the members present think that the consideration of the subject before them should be adjourned, they can adjourn and there is no necessity of giving this power to the presiding authority at the particular moment because the particular body is seized of the subject under consideration and it will not be deemed to be under consideration of the presiding officer alone. The whole body, whether it consists of 2, 3 or 5 members, must consent to the adjournment and that power should not be given to an individual who presides. Even in this House when there is a quorum we have to decide whether the meeting should be adjourned or not and it should not be left to a particular individual to decide whether business should be transacted or the meeting should be adjourned. This is a novel procedure that has been introduced so far as the meetings of the Commission are concerned. I learn that there are three members of this Commission and if two are present and if that is the quorum, I do not see any reason why the meeting should be adjourned for the presence of the third member. If one of these members falls ill for 15 or 20 days, then according to this clause, no work can be transacted during that period. The presiding officer who presides may think that it is better to wait till the other member comes to discuss the matter and he may adjourn the meeting. We have the bitter experience of getting the reports of the Commission years after. If this procedure is adopted, I fear these reports will be given to us not the next year but after a lapse of 3 o 4 years. That should not be the case. There should be quick disposal of these matters. Whoever is present, if ther

is quorum, that should be sufficient to transact business. So, Sir, the latter part of this clause is redundant and it should be deleted from this clause.

Sri C. M. ARUMUGHAM (K.G.F.).—Sir, So far as this clause is concerned, we are not definite about the number of members of the Commission. What the Government are contemplating to do, we do not know, but today there are only three members. Out of the 3, if 2 form the quorum, I do not think that it is necessary that the Commission should adjourn any meeting. As a matter of fact, there is some meaning in what the Law Minister has said since he is an experienced man. In important matters like amendment of the Constitution we see that the provision is to have two-thirds majority where normally the quorum is only one-tenth of the membership of the House. That is the case in Parliament as also in this House. So when very important matter is under discussion and the requisite two-third majority is not there, the business can be adjourned, but for ordinary business that extraordinary majority is not required and so the business need not be adjourned. Even according to this, out of the total of three members, if two members are present and if they form the quorum, where is the need for adjourning the meeting? If the Government contemplate appointing five members, then I can understand the need for making such a provision for adjournment. When the total number of members is increased to 5, and when an important subject comes up for discussion and if there are only two members present which is the quorum, then they can adjourn the consideration of that subject. But if there are only three members in the Commission, there is no need for this clause. The Government should simply fix the quorum and if there is quorum then the business should not be adjourned.

Sri T. SUBRAMANYA.—Sir, I would request all hon'ble members to understand the way in which I am proceeding with regard to this Bill. I am not anxious to maintain any provision merely on the question of prestige of the Government. I am not so foolish as to say that simply because we have added on a clause at the time of drafting it must remain at all costs. That is not the attitude with which I approach the subject. Whenever I have initiated Bills on the floor of this House there have been instances when I have accepted several amendments proposed by Hon'ble Members if I was convinced that that was the right thing to do under the circumstances. In spite of my effort to understand my friends' anxiety for deleting this clause, I am sorry I am not able to agree with them. I will give one instance. The Public Service Commission members are now expected to go to different Divisions to interview different applicants from those areas. Suppose for instance a member has gone to Gulbarga and interviewed candidates and suppose at a meeting some matter relating to all Divisions comes up. When they take up the Gulbarga Division they find that that particular member who has interviewed the candidates in Gulbarga is not present and they feel that his assistance is necessary to come to a proper conclusion. In such a case the presiding officer has been given the discretion to adjourn the consideration of that subject to some other meeting when the other member also would be present.

We are making a rule, an enabling rule; for all contingencies and for some time to come till there is a change. For example, my friend Sri Arumugham referred to the intention of the Government to raise the number of members on the Public Service Commission. Whether it is 3 or 4 or whether it is 5, the quorum is fixed here: that will continue unless there is an amendment. Even when the Commission consists of five Members, if four Members are present when the Presiding Authority feels that the presence of the other Member is necessary to arrive at a proper conclusion, that discrection is left in him.

Sri J. B. MALLARADHYA.—If a particular subject cannot be disposed of in the absence of that Member, it could be deferred.

Sri T. SUBRAMANYA.—Yes, Sir. The Agenda is issued a few days prior to the date of meeting. They expect all the Members to be present. One important Member who can help the Commission in arriving at a proper conclusions in a particular case is found to be absent. Therefore, in spite of the quorum, the Presiding Authority has the discretion to say that they adjourn that business not the whole agenda. Therefore, this proviso is necessary.

Secondly, I am very sorry to hear that the Public Service Commission meeting is compared to a Co-operative Society meeting or the meeting of some other local body. This is a Constitutional Authority, meeting there to make recommendations to Government and they must hear all views about the matters and then decide. The presence of other Members would be necessary in certain circumstances. Merely because there is a quorum of two, that cannot complete the work. What we say is, that if he is absent, they will defer the matter.

Mr. DEPUTY SPEAKER.—The question is:

"That the words but the Presiding Officer may adjourn any business at a meeting if he is of opinion that it cannot conveniently be transacted owing to the non-attendance of any Member" shall be deleted.'

The motion was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Mr. DEPUTY SPEAKER.—Clauses 10 to 18. The question is:

"That clauses 10 to 18, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 10 to 18, both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—Title, Preamble and Clause 1. The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri T. SUBRAMANYA (Minister for Law, Labour and Local Self-Government).—Sir, I beg to move:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958, as reported by the Select Committee be passed."

Mr. DEPUTY SPEAKER.—The question is:

"That the Mysore Public Service Commission (Conduct of Business and Additional Functions) Bill, 1958, as reported by the Select Committee be passed."

The motion was adopted.

MYSORE SILKWORM AND COCOON (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) BILL, 1959, AS PASSED BY THE LEGISLATIVE COUNCIL.

Motion to consider.

Sri T. MARIAPPA (Minister for Finance).—Sir, I move:

"That the Mysore Silkworm and Cocoon (Regulation of Production, Supply and Distribution) Bill, 1959, as passed by the Legislative Council, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved:

"That the Mysore Silkworm and Cocoon (Regulation of Production, Supply and Distribution) Bill, 1959, as passed by the Legislative Council, be taken into consideration."